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Group Art Unit: 3311
Our Ref: 4544-011-25 FWC

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

RECEIVED

SEP 05 1995

GROUP 3300

Re: Inventor: QUINN ET AL.
Serial No.: 08/420,503
Filed: APRIL 12, 1995
For: THERMODILUTION CATHETER HAVING A
SAFE, FLEXIBLE HEATING ELEMENT

Sir:

Attached hereto for filing are the following papers:

- (1) REQUEST FOR EXPEDITED PROSECUTION; and
- (2) 37 CFR 1.607 REQUEST FOR AN INTERFERENCE WITH A PATENT.

Our check in the amount of \$00.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Charles L. Gholz
Registration No. 26,395
Attorney of Record



#6

4544-011-25 FWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
QUINN ET AL. : GROUP: 3311
SERIAL NO: 08/420,503 :
FILED: APRIL 12, 1995 : EXAMINER: NASSER
(Anticipated)
FOR: THERMODILUTION CATHETER
HAVING A SAFE, FLEXIBLE
HEATING ELEMENT

REQUEST FOR EXPEDITED PROSECUTION

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

RECEIVED
SEP 05 1995
GROUP 3311

SIR:

The examiner is respectfully reminded that 37 CFR
1.607(b) provides in relevant part that:

When an applicant seeks an interference with a
patent, examination of the application... shall be
conducted with special dispatch within the Patent
and Trademark Office.

Respectfully submitted,

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#7



4544-011-25 FWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
QUINN ET AL. : GROUP: 3311
SERIAL NO: 08/420,503 :
FILED: APRIL 12, 1995 : EXAMINER: NASSER
(Anticipated)
FOR: THERMODILUTION CATHETER
HAVING A SAFE, FLEXIBLE
HEATING ELEMENT

37 CFR 1.607 REQUEST
FOR AN INTERFERENCE WITH A PATENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

I. 37 CFR 1.607(a)(1)

The patent is No. 5,435,308, issued to Gallup et al. on July 25, 1995, entitled "MULTI-PURPOSE MULTI-PARAMETER CARDIAC CATHETER," and assigned at issue to Abbott Laboratories (hereinafter referred to as "the Gallup et al. patent").

II. 37 CFR 1.607(a)(2)

Claim 1 of the Gallup et al. patent OR claim 11 of the Gallup et al. patent OR claim 16 of the Gallup et al. patent OR claim 45 of the Quinn et al. application OR claim 57 of the Quinn et al. application OR claim 58 of the Quinn et al. application.

III. 37 CFR 1.607(a)(3)

Claims 1-20 in the Gallup et al. patent all correspond to the proposed count.

IV. 37 CFR 1.607(a)(4)

Claims 45-58, which are already pending in this application, correspond to the proposed count.

Claims 1, 11, and 16 in the Gallup et al. patent each corresponds identically to a portion of the proposed count. While claims 2-10, 12-15, and 17-20 do not correspond identically to any portion of the proposed count, each of those claims depends from a claim which does correspond identically to a portion of the proposed count, and none of those claims adds any limitation which would cause it to define a separate patentable invention within the meaning of 37 CFR 1.601(n).

Claims 45, 57, and 58 in this application each corresponds identically to a portion of the proposed count. While claims 46-56 do not correspond identically to any portion of the proposed count, each of those claims depends from a claim which corresponds identically to a portion of the proposed count, and applicants do not currently contend that any of those claims contains an additional limitation which would cause it to define a separate patentable invention within the meaning of 37 CFR 1.601(n).

V. 37 CFR 1.607(a)(5)

37 CFR 1.607(a)(5) is inapplicable, since claims 45-58 were all previously in this application.

VI. 37 CFR 1.607(a)(6)

37 CFR 1.607(a)(6) is inapplicable, since the Gallup et al. patent issued on July 25, 1995 and this request is being filed on August 30, 1995.

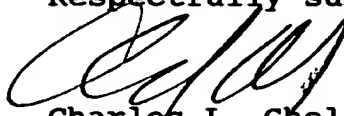
VII. 37 CFR 1.608

Applicants' effective filing date is January 29, 1991 and the patentees' filing date is July 16, 1992. Accordingly, applicants are not submitting any 37 CFR 1.608 declaration(s).

VIII. PTO Form 850

Submitted herewith for the convenience of the examiner is a proposed PTO Form 850.

Respectfully submitted,



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INTERFERENCE-INITIAL MEMORANDUM

EXAMINERS INSTRUCTIONS - This form need not be typewritten. Complete the items below and forward to the Group Clerk with all files including those benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form for each count.

(See MPEP 2309.02)

BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

This is count 1 of 1 count(s)

1. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
QUINN ET AL.	08/420,503	April 12, 1995	NONE

The claims of this party which correspond to this count are:
45-58

The claims of this party which do not correspond to this count are:
None

***Accorded benefit of:**

COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
UNITED STATES	08/049,231	April 19, 1993	None
UNITED STATES	07/647,578	January 29, 1991	None

2. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
GALLUP et al.	914,279	July 16, 1992	5,435,308

The claims of this party which correspond to this count are:
1-20

The claims of this party which do not correspond to this count are:
None

***Accorded benefit of:**

COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
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If a claim of any party is exactly the same as this count, it should be circled above. If not, type the count in this space (attach additional sheet if necessary):

Claim 1 of the Gallup et al. patent OR claim 11 of the Gallup et al. patent OR claim 16 of the Gallup et al. patent OR claim 45 of the Quinn et al. application OR claim 57 of the Quinn et al. application OR claim 58 of the Quinn et al. application.

Explanation of why each claim designated as corresponding to the count is directed to the same patentable invention as the count:

Claims, 1, 11, and 16 of the Gallup et al. patent and claims 45, 57, and 58 of the Quinn et al. application each corresponds identically to a portion of the proposed count. While claims 2-10, 12-15, and 17-20 in the Gallup et al. patent and claims 46-56 in the Quinn et al. application do not correspond identically to any portion of the proposed count, each of those claims depends from a claim which does correspond identically to a portion of the proposed count, and none of those claims adds any limitations which would cause it to define a separate patentable invention within the meaning of 37 CFR 1.601(a).

*The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application necessary for continuity.

DATE	PRIMARY EXAMINER	TELEPHONE NO.	ART UNIT
NOTE: FORWARD ALL FILES INCLUDING THOSE BENEFIT OF WHICH IS BEING ACCORDED.		GROUP DIRECTOR SIGNATURE (if required)	

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INTERFERENCE-INITIAL MEMORANDUM

EXAMINERS INSTRUCTIONS - This form need not be typewritten. Complete the items below and forward to the Group Clerk with all files including those benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form for each count.

(See MPEP 2309.02)

BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

This is count 1 of 1 count(s)

1. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
QUINN ET AL.	NEW APPLICATION	----	----

The claims of this party which correspond to this count are:
45-58

The claims of this party which do not correspond to this count are:
None

*Accorded benefit of: COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
UNITED STATES	08/049,231	April 19, 1993	Pending
UNITED STATES	07/647,578	January 29, 1991	Abandoned

2. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
HUGHES	07/717,549	June 19, 1991	5,277,191

The claims of this party which correspond to this count are:
1-18

The claims of this party which do not correspond to this count are:
None

*Accorded benefit of: COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
None			

3. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY

The claims of this party which correspond to this count are:

The claims of this party which do not correspond to this count are:

*Accorded benefit of: COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY

If a claim of any party is exactly the same as this count, it should be circled above. If not, type the count in this space (attach additional sheet if necessary):

SEE ATTACHED SHEET

*The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application necessary for continuity.

DATE	PRIMARY EXAMINER	TELEPHONE NO.	ART UNIT
NOTE: FORWARD ALL FILES INCLUDING THOSE BENEFIT OF WHICH IS BEING ACCORDED.		GROUP DIRECTOR SIGNATURE (if required)	

ATTACHMENT TO THE PTO-850

Set forth below is a proposed count:

1. A multi-lumen, multi-purpose cardiac catheter comprising:

(a) a multi-lumen main body portion;

(b) a plurality of extension tubes, each one of said plurality of extension tubes being connected to a respective lumen of said multi-lumen main body portion; and

(c) a manifold providing an interface between said multi-lumen main body portion and said plurality of extension tubes, wherein:

(d) said multi-lumen main body portion comprises:

(i) at least one lumen for holding and supporting fiber optic filaments;

(ii) at least one lumen for receiving thermal element connectors;

(iii) at least one lumen for receiving a device for temperature measurement;

(iv) at least one lumen associated with a balloon mounted at the distal end of said multi-lumen main body portion for assisting in placement of said multi-lumen main body portion in a patient; and

(v) a fiber optic apparatus associated with the catheter including optical filaments disposed in said at least one lumen for holding and supporting fiber optic filaments, said fiber optic filaments extending the working length of

said multi-lumen main body portion and into a fiber optic coupler associated with the catheter;

(e) a temperature measurement apparatus is mounted at the distal end of said multi-lumen main body portion;

(f) wiring extends the working length of said multi-lumen main body portion and into a housing associated with said multi-lumen main body portion;

(g) an external thermal element is placed on said multi-lumen main body portion near the distal end of said multi-lumen main body portion;

(h) connectors extend from said external thermal element along the working length of said multi-lumen main body portion to be connected to a thermal element housing at the proximal end of said multi-lumen main body portion;

(i) said external thermal element is operative with an external apparatus to provide a measurement of continuous cardiac output; and

(j) said fiber optic apparatus is cooperative with external apparatus for providing a measurement of mixed venous oxygen saturation.